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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

1 MICHAEL OMSTEAD, MELISSA
2 MALLOY and LISA SMITH, individually
3 and on behalf of all others similarly
4 situated,

5 Plaintiffs,
6 v.
7 DELL INC.

8 Defendant.

9 Case No. C06-6293 PJH

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**STIPULATION AND [PROPOSED]
ORDER GRANTING DISMISSAL OF
ACTION**

1 Plaintiffs and Defendant Dell, Inc. (“Dell”), by and through their respective
2 counsel, hereby stipulate as follows:

3 1. On December 17, 2010, a nationwide Class Action Settlement received
4 final approval by the Honorable James L. Robart in a parallel action, *Carideo, et al. v. Dell, Inc.*,
5 Case No. 06-cv-1772 (W.D. Wash. filed Dec. 13, 2006) (“*Carideo*”); and

6 2. The Settlement in *Carideo* addresses all members of the proposed Class in
7 this case as well as all issues raised in the operative complaint in this case; and

8 3. The Final Order granting approval of the Settlement in *Carideo* has been
9 entered; and

10 4. The Parties agree that the above-entitled matter has been fully

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Attorneys for Plaintiffs and the Proposed Class

Dated: December 23, 2010

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By: /s/ *Sinead O'Carroll*
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Counsel for Defendant Dell Inc.

ORDER

1 Upon consideration of the foregoing Stipulation, this case is DISMISSED with
2 prejudice and without costs and disbursements to either party.

3 **PURSUANT TO STIPULATION IT IS SO ORDERED.**

4
5 Dated: 12/27/10

